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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,990	12/22/2003	Amit Garg	2001-0526DIV3	9025

7590 05/23/2005
S.H. Dworetsky
AT&T Corp.
PO BOX 4110
Middletown, NJ 07748

EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/743,990	Applicant(s) GARG ET AL.	
	Examiner Lisa Hashem	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Information Disclosure Statement

1. The IDS filed on 12-23-2003 is missing sheet 2 of 2. Examiner has initialed sheet 1 of 2. Appropriate correction is requested.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 27-30 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,539,079 by Crockett et al, hereinafter Crockett.

Regarding claim 27, Crockett discloses in a telephone network (Fig. 2) that includes a voicemail server or system and a call-back message notification server or service node (Fig. 2, 280), the improvement comprising: a controller of said message notification server (wherein the service node inherently has a controller) that automatically effects a call to a subscriber device in response to one of receipt of a new message, a change in message status, and a lapse of a predetermined period of time since a prior call (col. 7, line 51 – col. 8, line 9).

Regarding claim 28, Crockett discloses in a telephone network (Fig. 2) that includes a voicemail server or system that stores messages and a message notification server or service node (Fig. 2, 280) that notifies a subscriber device of a message stored in the voicemail server by initiating a callback (col. 7, line 51 – col. 8, line 9), the improvement comprising: at least one

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assigned ID number or control command associated with messages of said voicemail server (col. 5, lines 44-67), and a controller (inherently in the service node) responsive to a CPE device to transmit a unique ID number according to the status of messages of said voice mail server (col. 5, line 13 – col. 6, line 19).

Regarding claim 29, the improvement of claim 28, wherein Crockett further discloses one unique ID number is transmitted when a message is present (col. 5, line 13 – col. 6, line 19) and another unique ID number is transmitted when no message is present (col. 6, line 58 – col. 7, line 13).

Regarding claim 30, the improvement of claim 28, wherein Crockett further discloses each unique ID number comprises a caller-ID (col. 5, line 13 – col. 6, line 19).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0031211 by Fullarton, hereinafter Fullarton, in view of Crockett.

Regarding claim 25, Fullarton discloses in a telephone network (Fig. 1) that includes a voicemail server or database that stores messages (section 0014, lines 7-11) and a message notification server or telephony server (Fig. 1, 1) that notifies a subscriber device or telephone set (Fig. 1, 5) of a message stored in the voicemail server by initiating a notification with a message waiting lamp (section 0013, lines 1-19; section 0014, lines 1-12), the improvement

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comprising: multiple mailbox partitions associated with a single telephone line of the network (see Abstract; section 0012, lines 1-19; see Fig. 2 and Fig. 3), respective unique IDs (Fig. 3: 12, Nurse 1; Fig. 3, 13, Nurse 2; Fig. 3, 14: Nurse 3) associated with respective ones of the mailbox partitions, and a controller or phone manager (Fig. 3, 15) that stores a voicemail message in a partition associated with one of the unique IDs and that effects transmission of a voicemail status stored in a partition associated with one of the unique IDs.

Fullarton does not disclose a message notification server that notifies a subscriber device of a message stored in the voicemail server by initiating a callback.

Crockett discloses a method and system for providing enhanced call waiting, comprising: a message notification server or service node (Fig. 2, 280) that notifies a subscriber device or called telephone station (Fig. 2, 232) of a message stored in the voicemail server or system by initiating a callback (col. 7, line 51 – col. 8, line 9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the improvement of Fullarton to include a message notification server that notifies a subscriber device of a message stored in the voicemail server by initiating a callback as taught by Crockett. One of ordinary skill in the art would have been lead to make such a modification since a callback can notify a subscriber device of a voice mail for a user if they were engaged in a first call.

Regarding claim 26, the improvement of claim 25, wherein Fullarton further discloses the controller transmits one of multiple unique caller IDs (user's telephone number) to identify a partition having a voicemail message (section 0014, lines 1-12).

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,643,356 by Hickey et al disclose a message waiting light on a telephone to indicate to a user that a caller left a voice mail; wherein if Station B turns on Station C's waiting light, Station C would call back Station B to report the status of Station C's message waiting light

7. Any response to this action should be mailed to:

Commissioner for Patents
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Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH
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April 21, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600